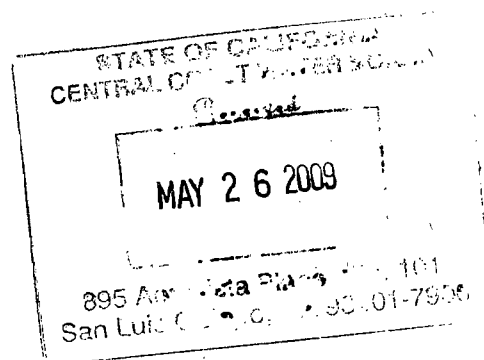


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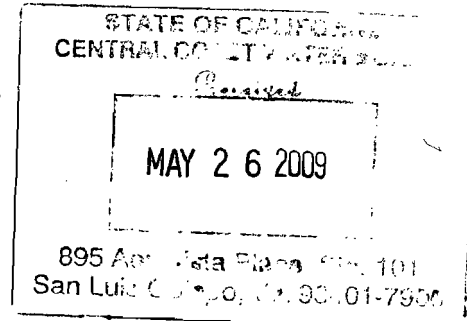
**SENDER'S NAME:** Richard S. Quandt**TELEPHONE:** (805) 343-2215

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May 26, 2009

Transmitted via facsimile to (805) 543-0397

Mr. Steven Saiz  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

RE: Basin Plan Triennial Review

Dear Mr. Saiz:

This Association represents growers of vegetables and strawberries with farming operations located in the Lompoc, Santa Maria and Arroyo Grande valleys. The agricultural community is the largest water user within Region 3 and as such has an interest in maintaining water quality for irrigation purposes. However we are also mindful of the impact of regulations upon the economic well being of these farming businesses.

We are concerned that Board staff is seeking to impose a complex and unachievable regulatory program upon production agriculture. Our fear is that these regulatory schemes will undermine the central coast farming economy leading many to discontinue operations. We believe many of the Basin Plan amendments recommended by staff do not improve upon water quality; but rather facilitate the development of these regulatory programs that are targeting agricultural irrigation practices. The four issues that we are most concerned with are as follows.

### **Issue 3: Establish Numeric Objectives for Biostimulatory Substances**

The Association does not support efforts to establish numeric biostimulatory objectives for specific nutrients in the Basin Plan. Biostimulation is complex involving multiple interactions. There is considerable controversy involving the use of models and numeric end points as regulatory targets for aquatic health. Staff is attempting to include biostimulatory numeric objectives within both the Agricultural Conditional Waiver Program and TMDLs that are 20 times lower than drinking water standards (0.5 mg/l for nitrates). We urge the Board to continue the flexible narrative standard and not prematurely attempt to place specific numeric standards in the Basin Plan simply to regulate agricultural discharges.

RE: *Basin Plan Triennial Review*  
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### Issue No. 12: Tributary Rule

The Association does not support expanding the definition of "water bodies" to include tributaries. Many of the tributaries proposed to be included as water bodies are also listed in the 303(d) revisions are nothing more than man-made agricultural ditches and flood control channels that convey runoff from farms and cities. They are regularly maintained to be free from accumulated debris and in some cases are lined with concrete or rock revetments. These ditches are not used as a water supply or for swimming. Flows are seasonal and they do not typically support any form of aquatic life.

The Association does favor Basin Plan amendments that would expressly **exclude tributaries** such as agricultural ditches and regularly maintained flood control channels from default drinking water and/or recreational beneficial use designations. In most cases, these waters simply recharge groundwater. Again, staff is attempting to expand the definition of water bodies in the Basin Plan so they can regulate each and every individual agricultural discharge. We urge the Board to reject that concept and not initiate work expanding the tributary rule.

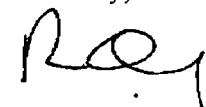
### Issue 16 and 17: Aquatic Habitat / Riparian Buffer Zone Protection

Board staff proposes to elevate aquatic habitat over all other beneficial uses in the Basin Plan. We urge the Board to not support this effort. Protecting aquatic habitat and riparian corridors involve restrictions on land uses activities as opposed to addressing the quality of waters of the state. Local counties and cities, with land use and zoning powers, are the forums to implement land use restrictions. Regional Water Quality Control Board staff, through TMDLs and the Agricultural Waiver Program is attempting to impose numeric objectives protective of aquatic habitat that are 20 times lower than drinking water standards. They have also proposed mandatory 30-foot filter strips around aquatic habitats where agricultural activities would be precluded. We urge the Board to not support this type of land use regulation.

### Summary

Irrigated agriculture, within the southern portion of Region 3 urges the Board to **not** authorize limited resources for misguided Basin Plan amendments intended to facilitate the regulation of farming activities without any measurable improvements to water quality. We urge the Board to **not** initiate efforts to develop **numeric objectives for biostimulatory substances** (Issue 3); to **not** adopt a **tributary rule** whereby agricultural ditches would be designated with the same beneficial uses as downstream "water bodies" (Issue 12); and to **not** attempt to exercise land use controls, such as **mandatory buffers or riparian corridors**, to address **aquatic habitat** (Issues 16 and 17). Accordingly, future work on Basin Plan amendments should not include these provisions.

Sincerely,



Richard S. Quandt  
President